

PETER L. ISOLA (SBN 144146)
 pisola@hinshawlaw.com
 BRIAN S. WHITTEMORE (SBN 241631)
 bwhittemore@hinshawlaw.com
 HINSHAW & CULBERTSON LLP
 50 California Street, Suite 2900
 San Francisco, CA 94111
 Telephone: 415-362-6000
 Facsimile: 415-834-9070

Attorneys for Defendant
 SALLIE MAE BANK

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA; SACRAMENTO DIVISION

In re) USBC Case No. 23-02089
Phillip Ryan Sweetland,) ANSWER OF SALLIE MAE BANK
Debtor,) TO PHILLIP RYAN SWEETLAND
) ATTESTATION
Phillip Ryan Sweetland,)
Plaintiff,) Adv. Proc. Case No. 23-02089 – E
vs.) Complaint Filed: 11/1/23
UNITED STATES DEPARTMENT OF)
EDUCATION, ET. AL. ,)
Defendants.)

Defendant SALLIE MAE BANK (“Defendant” or “SMB”), answers Plaintiff Phillip Ryan Sweetland¹ as follows:

I. PERSONAL INFORMATION

1. SMB is currently without knowledge of the allegations of Paragraph One and therefore, they are denied.

2. SMB is currently without knowledge of the allegations of Paragraph Two

¹ Phillip Ryan Sweetland, *pro se*, initiated the litigation by filing an Attestation in Support of Request for Stipulation Conceding Dischargeability of Student Loans (“Attestation”). It is not clear whether Mr. Sweetland intends the Attestation to be a Complaint. However, in an abundance of caution, the Defendant files this Answer and Affirmative Defenses.

1 and therefore, they are denied.

2 3. SMB is currently without knowledge of the allegations of Paragraph Three
3 and therefore, they are denied.

4 4. SMB is currently without knowledge of the allegations of Paragraph Four
5 and therefore, they are denied.

6 5. SMB is currently without knowledge of the allegations of Paragraph Five
7 and therefore, they are denied.

8 6. SMB is currently without knowledge of the allegations of Paragraph Six
9 and therefore, they are denied.

10 7. SMB is currently without knowledge of the allegations of Paragraph Seven
11 and therefore, they are denied.

12 8. SMB is currently without knowledge of the allegations of Paragraph Eight
13 and therefore, they are denied.

14 9. SMB is currently without knowledge of the allegations of Paragraph Nine
15 and therefore, they are denied.

16 **II. CURRENT INCOME AND EXPENSES**

17 10. SMB is currently without knowledge of the allegations of Paragraph Ten
18 and therefore, they are denied.

19 **A. Household Gross Income**

20 11. SMB is currently without knowledge of the allegations of Paragraph
21 Eleven and therefore, they are denied.

22 12. SMB is currently without knowledge of the allegations of Paragraph
23 Twelve and therefore, they are denied.

24 13. SMB is currently without knowledge of the allegations of Paragraph
25 Thirteen and therefore, they are denied.

26 **B. Monthly Expenses**

27 14. SMB is currently without knowledge of the allegations of Paragraph
28 Fourteen and therefore, they are denied.

1 15. SMB is currently without knowledge of the allegations of Paragraph
2 Fifteen and therefore, they are denied.

3 16. SMB is currently without knowledge of the allegations of Paragraph
4 Sixteen and therefore, they are denied.

5 17. SMB is currently without knowledge of the allegations of Paragraph
6 Seventeen and therefore, they are denied.

7 **III. FUTURE INABILITY TO REPAY STUDENT LOANS**

8 18. SMB is currently without knowledge of the allegations of Paragraph
9 Eighteen and therefore, they are denied.

10 19. SMB is currently without knowledge of the allegations of Paragraph
11 Nineteen and therefore, they are denied.

12 **IV. PRIOR EFFORTS TO REPAY LOANS**

13 20. SMB is currently without knowledge of the allegations of Paragraph
14 Twenty and therefore, they are denied.

15 21. SMB is currently without knowledge of the allegations of Paragraph
16 Twenty-One and therefore, they are denied.

17 22. SMB is currently without knowledge of the allegations of Paragraph
18 Twenty-Two and therefore, they are denied.

19 23. SMB is currently without knowledge of the allegations of Paragraph
20 Twenty-Three and therefore, they are denied.

21 24. SMB is currently without knowledge of the allegations of Paragraph
22 Twenty-Four and therefore, they are denied.

23 25. SMB is currently without knowledge of the allegations of Paragraph
24 Twenty-Five and therefore, they are denied.

25 26. SMB is currently without knowledge of the allegations of Paragraph
26 Twenty-Six and therefore, they are denied.

27 **V. CURRENT ASSETS**

28 27. SMB is currently without knowledge of the allegations of Paragraph

1 Twenty-Seven and therefore, they are denied.

2 28. SMB is currently without knowledge of the allegations of Paragraph
3 Twenty-Eight and therefore, they are denied.

4 29. SMB is currently without knowledge of the allegations of Paragraph
5 Twenty-Nine and therefore, they are denied.

6 30. SMB is currently without knowledge of the allegations of Paragraph Thirty
7 and therefore, they are denied.

8 31. SMB is currently without knowledge of the allegations of Paragraph
9 Thirty-One and therefore, they are denied.

10 VI. ADDITIONAL CIRCUMSTANCES

11 32. SMB is currently without knowledge of the allegations of Paragraph
12 Thirty-Two and therefore, they are denied.

13 AFFIRMATIVE DEFENSES

14 As separate and distinct affirmative defenses to the purported causes of action in
15 Plaintiff's Attestation, SMB alleges the affirmative defenses set forth below. By the
16 following allegations, SMB does not assume the burden of proving any fact or element
17 of a cause of action where such burden properly belongs to the Plaintiff.

18 FIRST AFFIRMATIVE DEFENSE

19 (Failure to State A Cause of Action)

20 1. Defendant alleges as a separate and distinct affirmative defense that the
21 Complaint, fails to state facts sufficient to constitute a cause of action against
22 Defendant.

23 SECOND AFFIRMATIVE DEFENSE

24 (Unclean Hands)

25 2. Defendant alleges as a separate and distinct affirmative defense that
26 Plaintiff's claims are barred, in whole or in part, by the equitable doctrine of unclean
27 hands as the Plaintiff has not made a good faith effort to repay his loans.

28 //

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

/s/ Peter L. Isola
PETER L. ISOLA